

# **ZONING BOARD OF REVIEW**

**Barrington, Rhode Island**

**November 15, 2012**

**APPLICATIONS: #3689, 3695 and 3697**

## **MINUTES OF THE MEETING:**

**At the call of the Chairman, Thomas Kraig, the Board met with Paul Blasbalg, Peter Dennehy, Mark Freel, Ian Ridlon, David Rizzolo and Stephen Venuti.**

**Also present was solicitor Andrew Teitz as well as Building Official Robert Speaker.**

**At 7:08 P.M. Mr. Kraig opened the meeting and proceeded to hear the following matters. At 7:34 P.M. the public participation portion of the meeting was closed and the Board proceeded to deliberate and vote on the applications it had heard.**

**Continuation of application #3689, William Fleming, 9 Baron Road, Barrington, RI 02806, applicant and owner, for permission to construct an elevated deck and porch; Assessor's Plat 29, Lot 166, R-10 District, 9 Baron Road, Barrington, RI 02806, requiring dimensional relief for being within 53 feet of a wetlands/waterbody, where a minimum of 100 feet is required.**

**Mr. Kraig read into the record a letter from the applicants explaining**

that they would not be available to appear for this matter until approximately June of 2013.

**MOTION:** Upon a motion by Mr. Freel, with a second by Mr. Venuti, the Board voted unanimously (5-0) to withdraw the application without prejudice.

Application #3695, Mark and Cynthia Butler, 38 Bay Road, Barrington, RI 02806, applicants and owners, for permission to remove the existing garage and replace it with a new garage of the same size in the same location; Assessor's Plat 9, Lot 20, R-10 District, 38 Bay Road, Barrington, RI 02806, requiring dimensional relief for side yard setback.

**Present:** Mark and Cynthia Butler, 38 Bay Road, Barrington, RI

There was no one in the audience to speak for or against this application.

The applicants explained that their existing garage is in disrepair; even the concrete slab is unusable as it had been damaged by frost heaves. They are proposing to demolish the existing structure and replace it with a new garage in the same location. To attempt to locate the garage farther from the side lot line would require curving the driveway which would be troublesome (there is no turn around space, so a car is backed in or backed out) and the structure would

**eliminate most of the backyard. The garage is a small, single car size.**

**MOTION: Mr. Freel moved to approve the application. Mr. Ridlon seconded the motion and it carried unanimously (5-0).**

#### **DISCUSSION:**

**The Board members stated they were in favor of approving the application for the following reasons:**

**„« The proposed location is the only logical location for the garage**

**„« The lot is very undersized for an R-10 Zone**

**„« The applicants are replacing an existing structure; there will be no real impact on the surrounding properties**

#### **REASON FOR DECISION:**

**It was the judgment of the Board that the standards in Section 185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set**

forth in Section §185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

Application #3697, Fred and Debbi Coury, 110 Walnut Road, Barrington, RI 02806, applicants and owners, for permission to create a 300 square-foot addition on the north side, a 2½' extension of the sunroom and a new front entry stoop; Assessor's Plat 18, Lot 103, R-10 District, 110 Walnut Road, Barrington, RI 02806, requiring dimensional relief for front yard setback, side yard setback and for lot coverage.

Present: Fred and Debbi Coury, 110 Walnut Road, Barrington, RI  
Alexander Hurditch, architect, 576 Annaquatucket Road, North Kingstown, RI

There was no one in the audience to speak for or against this application.

The applicants explained that they are seeking to create a larger bedroom with a bathroom in order to better accommodate the needs of their adult child with special needs; their child currently has a very small bedroom, tiny closet, and a shared bathroom down the hall. Additionally, they would like to square off the rear of the house to create a family room to the rear of the home.

**It was noted that the lot was undersized for the zone, making the lot coverage requirement more difficult to meet. The proposed location is the only logical location for the bedroom to conform to the size needed - a rear addition would still require relief and it would eliminate much useable space in the back yard.**

**MOTION: Mr. Venuti moved to approve this application. Upon a second from Mr. Freel, the Board voted unanimously (5-0) to approve the application.**

#### **DISCUSSION:**

**The Board members stated they were in favor of approving the application for the following reasons:**

**„« The homeowners demonstrated a clear hardship**

**„« The homeowners had considered location options and the proposed location is the only logical one**

**„« There will be no substantial impact on the surrounding neighborhood**

#### **REASON FOR DECISION:**

**It was the judgment of the Board that the standards in Section j±185-69 have been met: A) that the hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not to the general characteristics of the surrounding area, and is not due to an economic disability of the applicant; B) that the hardship is not the result of any prior action of**

the applicant and does not result primarily from the desire of the applicant to realize greater financial gain; C) that the granting of the requested variance will not alter the general character of the surrounding area or impair the intent or purpose of this chapter or the comprehensive Plan; D) that the relief to be granted is the least relief necessary. Additionally, the standards for a dimensional variance set forth in Section 185-71 have been met because the applicant has proved that the hardship to be suffered by the owner, absent granting the relief, would amount to more than a mere inconvenience.

#### **MINUTES OF THE PREVIOUS MEETING:**

A motion was made by Mr. Freel and seconded by Mr. Venuti to accept the October 18, 2012 Zoning Board of Review minutes as written. The motion carried unanimously (5-0).

#### **ADJOURN:**

There being no other business, Mr. Freel moved to adjourn at 7:53 P.M. Mr. Ridlon seconded the motion and the meeting was adjourned.

Respectfully submitted,

Valerie Carroll, Secretary

Thomas Kraig, Chairman

**cc: Andrew Teitz, solicitor**